

December 7, 2021

Council of the City of Wheeling met, on the above date, at 12:00 pm, at 1500 Chapline St. with Mayor Elliott presiding.

On roll call, the following were present:

Present: Elliott, Thalman, Seidler, Ketchum, Sklavounakis, Thorngate, Palmer - 7
Absent: - 0

Mr. Thalman moved, seconded by Mr. Thorngate, that the minutes of November 16, 2021 and November 30, 2021 meeting be approved as received. Motion carried.

MAYOR'S REPORT

Mayor Elliott appointed Laura Carroll and Georgette Stock to the Hall of Fame Commission. Mr. Thorngate moved, seconded by Mr. Thalman, Councils' concurrence.

Mayor Elliott appointed Randy Geese to the Board of Zoning Appeals. Mr. Thalman moved, seconded by Mr. Thorngate, Councils' concurrence.

Mayor Elliott reappointed Loma Nevels to the Wheeling Housing Authority. Mr. Thalman moved, seconded by Mr. Seidler, Councils' concurrence.

There will be a joint work session with City and County Officials on December 13, 2021 at 5:30, location Scottish Rite Building.

CLERK'S REPORT

Clerk Delbert presented City Council with a Notice of Application to Operate a Private Club located at 3103 Chapline St. DBA Greens Donuts- Applicant Wheeling Coin LLC. Application was forwarded to WVABCA without comment.

UNFINISHED BUSINESS

Amending and Reenacting Article 550- Public Nuisances- Premises Used for Illegal Activity

The following was then read:

AN ORDINANCE TO AMEND AND REENACT ARTICLE 550
OF THE CODIFIED ORDINANCE OF THE CITY OF
WHEELING ENTITLED PUBLIC NUISANCES - PREMISES
USED FOR ILLEGAL ACTIVITY

The ordinance was read a second time by title.

Mr. Palmer asks Police Chief Shawn Schwertfeger to address his concerns with the changes. Chief Schwertfeger is apprehensive on giving notice to active drug houses; citing concerns of delaying the process and possible criminal enterprise.

Mr. Palmer moves to table. Motion dies for lack of second.

Mr. Sklavounakis, seconded by Mr. Thalman, moved that the ordinance be adopted.

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Seidler, Ketchum, Sklavounakis, Thorngate -6
NOES: Palmer -1

A majority of all those elected to Council having voted in favor, the mayor thereupon declared the ordinance adopted.

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Bearcom- Equipment for Police Vehicles- RCIP

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$68,233.07 WITH BEARCOM OF DALLAS, TX, FOR EQUIPMENT TO OUTFIT POLICE VEHICLES TO BE CHARGED TO SALES TAX RCIP

The ordinance was read a second time by title. Mr. Palmer, seconded by Mr. Thorngate, moved that the ordinance be adopted.

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Seidler, Ketchum, Sklavounakis, Thorngate, Palmer -7
NOES: -0

A majority of all those elected to Council having voted in favor, the mayor thereupon declared the ordinance adopted.

Fire Force Inc- Self Contained Breathing Apparatus- Fire Department

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$440,020 WITH FIRE FORCE INC., OF PITTSBURGH, PA, FOR FIREFIGHTING EQUIPMENT TO BE CHARGED TO GENERAL FUND

The ordinance was read a second time by title. Mr. Palmer, seconded by Mr. Thorngate, moved that the ordinance be adopted.

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Seidler, Ketchum, Sklavounakis, Thorngate, Palmer -7
NOES: -0

A majority of all those elected to Council having voted in favor, the mayor thereupon declared the ordinance adopted.

Carl Walker Construction- Market St Parking Garage- Bond

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$12,297,777.00 (TWELVE MILLION TWO HUNDRED NINETY-SEVEN THOUSAND SEVEN HUNDRED AND SEVENTY-SEVEN DOLLARS) TO CARL WALKER CONSTRUCTION, OF PITTSBURGH, PA FOR MARKET STREET PARKING GARAGE PROJECT, TO BE CHARGED TO BOND SERIES 2021 C

The ordinance was read a second time by title. Mr. Seidler, seconded by Ms. Ketchum, moved that the ordinance be adopted.

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Seidler, Ketchum, Sklavounakis, Thorngate, Palmer -7
NOES: -0

A majority of all those elected to Council having voted in favor, the mayor thereupon declared the ordinance adopted.

Ms. Ketchum moved, seconded by Mr. Palmer, that the Planning Commission Zoning Subcommittee Minutes 11/1/21, Planning Commission Minutes 10/19/21, Planning Commission Report to Council: 2 Hawk Court, Financial Statement October 2021 which were held over, be accepted as received. All in favor. Motion carried.

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REMARKS FROM MEMBERS OF COUNCIL

Ms. Ketchum asks for joint effort to combat blighted properties before they become public health crisis. Mr. Palmer reminds of Ward 6 meeting.

REPORT OF COMMITTEES

Mr. Thalman moved, seconded by Mr. Thorngate to accept the Finance Committee 11/16/21 and Development Committee Minutes 11/16/21 as received. For the record they are as follows:

FINANCE COMMITTEE REPORT

November 16, 2021

The Finance Committee of Wheeling City Council met on the above date at 5:15 p.m. Committee Members present: Chair Palmer, Vice Chair Thorngate, and Member Thalman. Others present: Mayor Elliott, Councilors Seidler, Ketchum, and Sklavounakis, City Manager Robert Herron, City Clerk Brenda J. Delbert, and Finance Director Seth McIntyre

The following matters were discussed:

September 2021 Financial Statement:

Mr. Herron reviewed the financial statement for October 2021. Cash balance is higher than actual because OVADC and GWSEA transfers have not occurred yet. Expenditures are 34% for the fiscal year and Revenues are 39%. B&O, Bed Tax, and Sales Tax are all up from last year. Mr. Thalman, seconded by Mr. Thorngate, to approve the Financial Statement as presented and forward to Council. All in favor. Motion carried

Budget Revision 2021-2022 FY:

Mr. Herron explained the revenue revision is necessary for a grant awarded to the Fire Department for Self-Contained Breathing Apparatus. See revision attached. Mr. Thalman, seconded by Mr. Thorngate, to approve the Revision as presented and forward to Council. All in favor. Motion carried.

There being no further business to come before the Committee, Mr. Thalman moved, seconded by Mr. Thorngate to adjourn. Motion carried. Time: 5:20 p.m.

DEVELOPMENT COMMITTEE REPORT

November 16, 2021

The Development Committee of Wheeling City Council met on the above date at 5:00 p.m. Committee members present: Mayor Elliott, Vice Chair Thalman, and Member Thorngate. Others present: Councilors Ketchum, Sklavounakis and Palmer, City Manager Robert Herron, City Solicitor Rosemary Humway-Warmuth, and City Clerk Brenda J. Delbert.

Amended Development Agreement with WODA Cooper Group at 10th and Main St.:

Mayor Elliott turns the floor over to Mr. Herron. He explains Council approved the agreement previously. However, COVID has caused delays and increased costs. WODA is now asking for an additional \$300,000. After a discussion Mr. Thalman moved, seconded by Mr. Thorngate, to remove paragraph 6 from page 2 of the agreement. Motion carried. All in favor. Mr. Thalman moved, seconded by Mr. Thorngate, to approve agreement and forward to Council. Motion carried. All in favor.

Proposal for 1055 Market St.:

Dean Connors is in attendance to present his request. He would like to turn the landlocked lot into outdoor sitting area, with synthetic grass, tables, chairs etc. Mr. Herron confirmed this was the only proposal received. Mr. Thalman moved, seconded by Mr. Thorngate, to approve the deed transfer and forward to Council. Motion carried. All in favor.

There being no further business to come before the Committee, Mr. Thalman moved, seconded by Mr. Thorngate, to adjourn. Time: 5:06 p.m.

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REPORT OF CITY MANAGER

City Manager Herron confirmed Fire Department Headquarters is moving forward and bids for demolition are scheduled for January 6, 2022 and March 24, 2022 for project bid. Mr. Herron asks for two reads for Washington Ave Bridge Repairs as the State has deemed emergency repairs are needed.

REPORT OF OTHER OFFICERS

Mr. Palmer, seconded by Mr. Sklavounakis, moved to hold over: Greater Wheeling Sports and Entertainment Authority Minutes 10/26/21, Traffic Commission Minutes 10/14/21 until next meeting. Motion carried. All in favor.

ORIGINAL PROPOSITIONS

Fluid Management Solutions- Sludge Removal- WPCD

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$57,800 WITH FLUID MANAGEMENT SOLUTIONS OF PITTSBURGH, PA, FOR SLUDGE REMOVAL TO BE CHARGED TO WPCD

Annexation without Election- Danfield Drive

The following was then read:

AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF WHEELING TO PROVIDE FOR ANNEXATION WITHOUT AN ELECTION OF ADDITIONAL TERRITORY OWNED BY THE MAJORITY OF FREEHOLDERS AND CORPORATE LANDOWNERS OF DANFIELD DRIVE WHICH IS ADJACENT TO THE CITY OF WHEELING'S MUNICIPAL BOUNDARY LINE

Approving and Adopting the 2021 Codified Page Replacements

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING APPROVING AND ADOPTING THE 2021 REPLACEMENT PAGES TO THE CODIFIED ORDINANCES OF THE CITY OF WHEELING

Quality Steel Erecting Inc- Emergency Repairs Washington Ave- Project Fund

The following was then read:

AN EMERGENCY ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$386,172.00 TO QUALITY STEEL ERECTING INC., OF ST. CLAIRSVILLE, OH FOR EMERGENCY REPAIRS TO THE WASHINGTON AVE BRIDGE PURSUANT TO THE RECOMMENDATION OF THE WV DEPARTMENT OF TRANSPORTATION, TO BE CHARGED TO THE PROJECT FUND

Mr. Thalman moved, seconded by Mr. Thorngate, for a second reading of the Ordinance. All in favor. Motion carried.

The ordinance was read a second time by title. Mr. Thalman, seconded by Mr. Thorngate, moved that the ordinance be adopted.

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Seidler, Ketchum, Sklavounakis, Thorngate, Palmer -7
NOES: -0

A majority of all those elected to Council having voted in favor, the mayor thereupon declared the ordinance adopted.

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Supplemental Resolution-Centre Wheeling Parking Garage-Lease Revenue Bond Series 2021B

The following was then read:

SUPPLEMENTAL RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING WHEREAS, THE CITY HAS, BY ORDINANCE, ENACTED ON NOVEMBER 2, 2021, FOLLOWING A PUBLIC HEARING THEREON, AUTHORIZED THE ISSUANCE BY THE WHEELING MUNICIPAL BUILDING COMMISSION OF NOT TO EXCEED \$3,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF THE WHEELING MUNICIPAL BUILDING COMMISSION LEASE REVENUE BONDS, SERIES 2021 B (CENTER WHEELING PARKING GARAGE PROJECT) (THE "SERIES 2021 B BONDS") FOR THE PURPOSES OF (I) FINANCING ALL OR A PORTION OF THE COSTS OF THE DESIGN, ACQUISITION, CONSTRUCTION, IMPROVEMENT, FURNISHING AND EQUIPPING OF THE REAL ESTATE AND IMPROVEMENTS THEREON LOCATED AT 2200 CHAPLINE STREET, WHEELING WEST VIRGINIA 26003. A FULL COPY OF THE TEXT IS AVAILABLE IN THE OFFICE OF THE CITY CLERK

The Resolution was read by title. Mr. Sklavounakis, seconded by Mr. Thorngate, moved that the resolution be adopted.

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Seidler, Ketchum, Sklavounakis, Thorngate, Palmer - 7
NOES: -0

A majority of all those elected to Council having voted in favor, the mayor thereupon declared the resolution adopted.

Supplemental Resolution- Market St Parking Garage-Lease Revenue Bond Series 2021 C

The following was then read:

SUPPLEMENTAL RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING WHEREAS, THE CITY HAS, BY ORDINANCE, ENACTED ON NOVEMBER 2, 2021, FOLLOWING A PUBLIC HEARING THEREON, AUTHORIZED THE ISSUANCE BY THE WHEELING MUNICIPAL BUILDING COMMISSION OF NOT TO EXCEED \$19,500,000 IN AGGREGATE PRINCIPAL AMOUNT OF THE WHEELING MUNICIPAL BUILDING COMMISSION LEASE REVENUE BONDS, SERIES 2021 C (MARKET STREET PARKING GARAGE PROJECT) (THE "SERIES 2021 C BONDS") FOR THE PURPOSES OF (I) FINANCING ALL OR A PORTION OF THE COSTS OF THE DESIGN, ACQUISITION, CONSTRUCTION, IMPROVEMENT, FURNISHING AND EQUIPPING OF THE REAL ESTATE AND IMPROVEMENTS THEREON LOCATED AT 1104 AND 1114 MARKET STREET, WHEELING WEST VIRGINIA 26003 A FULL COPY OF THE TEXT IS AVAILABLE IN THE OFFICE OF THE CITY CLERK

The Resolution was read by title. Mr. Sklavounakis, seconded by Mr. Thorngate, moved that the resolution be adopted.

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Seidler, Ketchum, Sklavounakis, Thorngate, Palmer - 7
NOES: -0

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A majority of all those elected to Council having voted in favor, the mayor thereupon declared the resolution adopted.

Resolution- Food for Fines- Overtime Parking Violations

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING PROPOSING A CANNED FOOD DONATION PROCESS, IN LIEU OF OVERTIME PARKING FINES, TO BE DISTRIBUTED TO MUNICIPAL FOOD PANTRIES - "FOOD FOR FINES"

The Resolution was read by title. Mr. Thalman, seconded by Ms. Ketchum, moved that the resolution be adopted.

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Seidler, Ketchum, Sklavounakis, Thorngate, Palmer - 7
NOES: -0

A majority of all those elected to Council having voted in favor, the mayor thereupon declared the resolution adopted.

Resolution- Dean Connors- 1055 Short Market

The following was then read:

RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING, ACCEPTING THE PROPOSAL BY DEAN CONNORS FOR 1055 SHORT MARKET ST REDEVELOPMENT PROJECT AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND COORDINATE ANY & ALL NECESSARY MATTERS TO EFFECTUATE THE INTENTIONS OF CITY COUNCIL

The Resolution was read by title. Ms. Ketchum, seconded by Mr. Seidler, moved that the resolution be adopted.

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Seidler, Ketchum, Sklavounakis, Thorngate, Palmer - 7
NOES: -0

A majority of all those elected to Council having voted in favor, the mayor thereupon declared the resolution adopted.

Resolution- Desmone- 1400 Market St

The following was then read:

RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING, ACCEPTING THE PROPOSAL BY DESMONE FOR THE 1400 MARKET ST REDEVELOPMENT PROJECT AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND COORDINATE ANY & ALL NECESSARY MATTERS TO EFFECTUATE THE INTENTIONS OF CITY COUNCIL

The Resolution was read by title. Ms. Thalman, seconded by Mr. Thorngate, moved that the resolution be adopted.

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Seidler, Ketchum, Sklavounakis, Thorngate, Palmer - 7
NOES: -0

A majority of all those elected to Council having voted in favor, the mayor thereupon declared the

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resolution adopted.

Resolution- Accepting Transfer of Clay School

The following was then read:

A RESOLUTIONS OF THE COUNCIL OF THE CITY OF WHEELING AUTHORIZING THE CITY MANAGER TO ACCEPT THE TRANSFER OF REAL PROPERTY, BEING SEVERAL PARCELS, LOCATED AT THE INTERSECTION OF 131 15TH STREET (FORMER CLAY SCHOOL) AND FURTHER AUTHORIZING THE CITY MANAGER TO COORDINATE THE EXECUTION OF ANY AND ALL AGREEMENTS, DEEDS AND OTHER DOCUMENTS TO EFFECTUATE THE CONVEYANCE

The Resolution was read by title. Ms. Ketchum, seconded by Mr. Seidler, moved that the resolution be adopted.

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Seidler, Ketchum, Sklavounakis, Thorngate, Palmer - 7
NOES: -0

A majority of all those elected to Council having voted in favor, the mayor thereupon declared the resolution adopted.

Resolution- Façade-9 14th Street- National Equipment; Resolution- Façade 2232 Market Street- Susan Shoemaker; Resolution- Façade 1165 Market Street- Justus, Inc.; Resolution- Façade 741 Main Street- Sherry Wizba; Resolution- Façade 730 Main Street- Susan Haddad; Resolution- Façade 749 Main Street- Jeramie Alvarado; Resolution- Façade 751 Main Street- Jeramie Alvarado; Resolution- Façade 496 National Rd.- Laurie Carr; Resolution- Façade 808 National Road -TBR, Inc. ; Resolution- Façade 132/132 ½ Kruger St.- Bruce Futey

The following was then read:

RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING, WEST VIRGINIA, TO AUTHORIZE, DIRECT AND EMPOWER THE OFFICERS AND ADMINISTRATORS OF THE CITY TO EXECUTE ALL NECESSARY DOCUMENTS AND PROCEDURES TO PROVIDE FOR A DOWNTOWN FAÇADE IMPROVEMENT GRANT FOR THE FOLLOWING:

- National Equipment - 9 14th Street- \$10,610
- Susan Shoemaker -2232 Market Street- \$12,913
- Justus, Inc. - 1165 Market Street- \$15,000
- Sherry Wizba- 741 Main Street- \$2,636
- Susan Haddad -730 Main Street-\$9,931
- Jeramie Alvarado- 749 Main Street- \$3,823
- Jeramie Alvarado-751 Main Street- \$3,251
- Laurie Carr - 496 National Rd.-\$7,621
- TBR, Inc. - 808 National Road- \$13,867
- Bruce Futey -132/132 ½ Kruger St.- \$4,305

The Resolution was read by title. Mr. Thalman, seconded by Mr. Thorngate, moved that the resolution be adopted.

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Seidler, Ketchum, Sklavounakis, Thorngate, Palmer - 7
NOES: -0

A majority of all those elected to Council having voted in favor, the mayor thereupon

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declared the resolution adopted.

THOSE WISHING TO BE HEARD

Darryl Clausell, spoke in support of Human Rights Commission and City Council adopting the Crown Act.

Elissa Gross, spoke in support of Human Rights Commission and City Council adopting the Crown Act.

Julia Chaplin, spoke in opposition of the need for government involvement in Crown Act and Conversion Therapy.

Judi Meyer, spoke in opposition of the need for government involvement in Conversion Therapy; citing no need.

There being no further business, Mr. Thalman moved, seconded by Mr. Thorngate, to adjourn. Motion carried. Time 1:08 p.m.

City Clerk

Mayor

DRAFT